ANNUAL REPORT

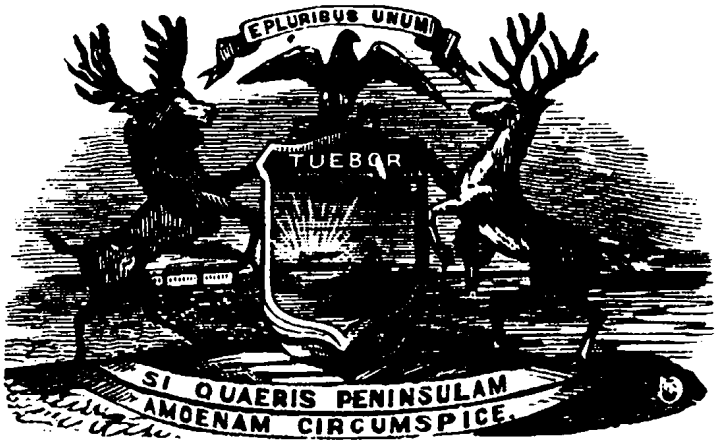
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1852.



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STATE OF MICHIGAN.

1852.

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ANNUAL REPORT of the Attorney General.

ATTORNEY GENERAL'S OFFICE,
Lansing, January 1, 1852.

To His Excellenay, ROBERT MCCLELLAND, *Governor of Michigan:*

SIR—Pursuant to the statute, approved April 8, 1851, I have the honor to submit the following report of the business of this office during the past year.

In consequence of the changes in the organic law of the State, the official correspondence of the office has been largely increased. The numerous and important questions which have arisen under the constitution and laws, touching the powers and duties of the various township and county offices, have rendered this branch of the duties of the office unusually laborious.

In the month of January last, an information was filed against Elisha B. Bassett, on the relation of Eli P. Watson, for exercising the office of County Clerk of the County of Allegan, without any legal warrant. Judgment of ouster was rendered against the respondent at the October term of the Supreme Court, and the relator admitted to the office.

The case of the People against the Macomb County Bank, on a bill filed by the Attorney General, in the Court of Chancery, in 1846, which was argued and submitted in the Wayne Circuit Court, by

my predecessor, was decided by Judge Wing sitting as Chancellor, in the month of Fehruary last, and an order entered dismissing the bill and proceedings in the case. From this decision I took an appeal to the Supreme Court, where the case is still pending.

By the direction of the Governor, I assisted at the trial of Isaac H. Bennett, who was indicted in the County Court of Livingston county, for the murder of Cornelius H. Bennett. The case was transferred, by the election of the defendant, to the Circuit Court of that county, and was tried before Judge Green, in the month of September last. The defendant was convicted of manslaughter.

Informations have been filed against Marcus H. Miles, on the relation of Smith Falkenbury, for exercising unlawfully the office and franchise of County Treasurer of St. Clair county; and against Duthan Northrop, on the relation of Alfred Weeks, for exercising in like manner the office and franchise of County Clerk of the same county. These cases have not yet been disposed of.

The informations filed in the Supreme Court, during the January term, against the late Sheriff, County Clerk, and Register of Deeds, of Wayne county, who claimed to hold and exercise the respective offices, by virtue of the eighth section of the Schedule of the Constitution, were, after argument by counsel upon a case made, decided by the court against the respondents, and judgment of ouster pronounced against them.

The cases before the Board of State Auditors, in which it has been my duty to appear in behalf of the State, will sufficiently appear from the report of the board.

The schedule hereto annexed, marked "A," contains the reports of the Prosecuting Attorneys of the several counties of this State, so far as they have been made to this office.

All which is respectfully submitted.

I am, sir, very respectfully, your obedient servant,

WILLIAM HALE,

Attorney General.

ABSTRACTS

OF

THE REPORTS

OF

PROSECUTING ATTORNEYS.

Schedule A.

BRANCH COUNTY.

J W. GILBERT, ESQ., *Prosecuting Attorney.*

Indictments found during the year	12

CRIMES.

Burglary	2
Incest	1
Larceny	6
Misdemeanor	1
Perjury	1
Rape,	1
Total	12

HOW DISPOSED OF.

Convicted and Imprisoned	5
Still pending	6
Nolle prosequi	1
Total	12

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	6
Assault with intent to kill	1
Arson, (burning barn,)	1
Disintering dead body	2
Disturbing public meeting	2
Disorderly persons	2
Larceny	1
" petit	7
Passing counterfeit bills	2
Perjury	1
Resisting officer	1
Threats, &c.	1
Total	27

HOW DISPOSED OF.

Convicted and fined or imprisoned	9
Acquitted	3
Held to bail, indictment not yet found	4
Bill ignored by Grand Jury	2
Held to bail for good behavior	1
Complaint withdrawn	3
Committed one day and discharged	1
Discharged	3
Discharged on Habeas Corpus	1
Total	27

CALHOUN COUNTY.

HOVEY K. CLARKE, ESQ., *Prosecuting Attorney.*

Indictments found during the year 41

CRIMES.

Assault with intent to kill	1
Attempt at rape	1
Burglery and larceny	1
Counterfeiting	5
Enticing female	1
Embezzlement	1
False pretences	2
Forcible entry	3
Fraud	1
Larceny	2
Perjury	1
Resisting constable	2
" officer serving execution	4
Riot	10
Riotous assault	6
Total,	41

HOW DISPOSED OF.

Convicted and fined or imprisoned	11
Still pending	26
Forfeited recognizance	2
Escaped	1

Not arrested	1	
Total,	—	41

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	10	
Embezzlement	1	
Larceny	6	
Total,	—	17

HOW DISPOSED OF.

Convicted and fined or imprisoned	8	
Acquitted	5	
Discharged on payment of costs	1	
Died	1	
Settled	2	
Total,	—	17

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CLINTON COUNTY.

J. BAKER, ESQ., *Prosecuting Attorney.*

Indictments found during the year 5

CRIMES.

Arson, (burning barn,)	1	
Assault with intent to kill	1	
Malicious mischief	2	
Perjury	1	
Total	—	5

HOW DISPOSED OF.

Convicted and imprisoned	1	
Still pending	3	
Indictment quashed	1	
Total,	—	5

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	3	
Larceny	2	
Total,	—	5

HOW DISPOSED OF.

Convicted and fined	4	
Taken up on Certiorari	1	
Total,	—	5

IONIA COUNTY.

JOHN C. BLANCHARD, ESQ., *Prosecuting Attorney.*

Indictments found during the year 2

CRIMES.

Assault with intent to rob	1
Perjury	1
Total,	2

HOW DISPOSED OF.

Still pending	2

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	5
Larceny, petit	3
Riot	1
Total,	9

HOW DISPOSED OF.

Convicted and fined	5
Acquitted by jury	3
Bound over to next term of Court	1
Total,	9

—

JACKSON COUNTY.

SAM'L HIGBY, ESQ., *Prosecuting Attorney.*

Indictments found during the year 54

CRIMES.

Arson	1
Accessory before the fact to larceny	1
Assault and Battery	2
" with intent to kill	1
Breaking jail	2
Larceny	12
Perjury	3
Riot	30
Wilful setting fire to wood	2
Total,	54

HOW DISPOSED OF.

Convicted	14

Acquitted	3
Still pending	32
Forfeited recognizance	2
Not arrested	3
Total,	54

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	14
Disturbing religious meeting	4
Larceny,	11
Total,	29

HOW DISPOSED OF.

Convicted and fined or imprisoned	19
Acquitted	4
Nolle Prosequi	5
Settled	1
Total,	29

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KENT COUNTY.

EDW'D E. SERGEANT, ESQ., *Prosecuting Attorney.*

Indictments found during the year 4

CRIMES.

Assault and Battery	1
Larceny	1
Manslaughter	1
Malicious trespass, (cutting timber,)	1
Total,	4

HOW DISPOSEE OF.

Convicted	4

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	7
Bigamy	2
Having in possession with intent to pass, bad bills,	1
Larceny	6
Passing counterfeit bills	1
Perjury	1
Total,	18

HOW DISPOSED OF.

Convicted and fined or imprisoned	12	
Held to bail	3	
Discharged	1	
Settled, on payment of costs	1	
Escaped	1	
Total,	—	18

LAPEER COUNTY.

N. H. REDMOND, ESQ., *Prosecuting Attorney.*

Indictments found during the year 4

CRIMES.

Larceny	2	
Trespass on land	1	
Violation of sec. 45, chap. 154, R. S.	1	
Total,	—	4

HOW DISPOSED OF.

Indictment quashed	1	
Not arrested	3	
Total,	—	4

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Adultery	1	
Assault and Battery	3	
Larceny	9	
Lewd and lascivious association,	1	
Seduction and debauchery	1	
Trespass, (malicious,)	1	
Total,	—	16

HOW DISPOSED OF.

Convicted	5	
Acquitted	3	
Nolle prosequi	2	
Settled	1	
Held to bail to answer	5	
Total,	—	16

LENAWEE COUNTY.

A. F. BIXBY, ESQ., *Prosecuting Attorney.*

Indictments found during the year 45

CRIMES.

Adultery	2
Assault and Battery	1
" with intent to murder	2
" with intent to rape	1
Buying property knowing it to be stolen	1
Having counterfeit money in possession	2
Having tools for making money in possession	1
Horse stealing	3
Larceny	1
" grand,	2
" petit,	1
Murder	1
Malicious injury to dwelling	6
Obtaining property under false pretences	3
Passing counterfeit money	3
Perjury	2
Riot	1
Riot and assault	8
Rape	1
Stealing	2
Tearing down fences	1
Total,	45

HOW DISPOSED OF.

Convicted	6
Still pending	21
Forfeited recognizance	2
Dead	1
Nolle prosequi	1
Not found	1
Not arrested	13
Total,	45

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Abduction of child	1

Arson of dwelling house	1
Assault and Battery	10
Disturbing religious meeting	3
Forgery	1
Larceny	2
Riot	8
Total,	26

HOW DISPOSED OF.

Convicted and fined or imprisoned	10
Acquitted	4
Discharged	2
Discontinued	1
Held to bail	9
Total,	26

—

LIVINGSTON COUNTY.

WM. A. CLARK, ESQ., *Prosecuting Attorney.*

Indictments found during the year 6

CRIMES.

Dis. of property with intent to defraud creditors	1
Larceny, grand,	1
Murder	1
Obtaining property under false pretences	2
Perjury	1
Total,	6

HOW DISPOSED OF.

Convicted	1
Still pending	5
Total,	6

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	23
Larceny, petit	10
Total,	33

HOW DISPOSED OF.

Convicted and fined or imprisoned	17
Acquitted	8

Settled	8	
Total,	—	33

"The number of persons arrested and examined for offences not cognizable by Justices of the Peace were 23; of these there were held to answer 13, and discharged 10."

—

MACOMB COUNTY.

GILES HUBBARD, ESQ., *Prosecuting Attorney.*

Indictments found during the year 25

CRIMES.

Arson	1	
Burglary	2	
Burglary and Larceny	3	
Forcible entry	6	
Keeping gaming house	1	
Selling Liquor without license	11	
Trespass on State lands	1	
Total,	—	25

HOW DISPOSED OF.

Acquitted	3	
Still pending	13	
Nolle prosequi	9	
Total,	—	25

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	9	
Disposing of property to defraud creditors	2	
Larceny	2	
Total,	—	13

HOW DISPOSED OF.

Convicted and fined	5	
Acquitted	2	
Settled	2	
Discharged	2	
Pending	2	
Total,	—	13

MONROE COUNTY.

JUNIUS TILDEN, ESQ., *Prosecuting Attorney.*

Indictments found during the year	9

CRIMES.

Assault and Battery	1	
Assault with intent to kill	1	
Attempt to burn Court House	1	
Larceny	5	
Murder	1	
Total,	—	9

HOW DISPOSED OF.

Convicted	7	
Acquitted	2	
Total,	—	9

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	20	
" with intent to commit rape	1	
Bastardy act	1	
Disorderly person	2	
Forgery	1	
Larceny	2	
Malicious mischief	4	
Murder	1	
Obstructing officer	1	
Perjury	1	
Surety of the peace	1	
Violating license law	5	
Total,	—	40

HOW DISPOSED OF.

Convictions	20	
Acquitted	4	
Under recognizance	10	
Settled	3	
Withdrawn	1	
Pending	2	
Total,	—	40

SANILAC COUNTY.

JOHN DEVINE, ESQ., *Prosecuting Attorney.*

Indictments found during the year 8

CRIMES.

Assault and Battery	1
Larceny	1
Rescuing prisoner	6
Total,	8

HOW DISPOSED OF.

Convicted	1
Still pending	2
Nolle prosequi	2
Not arrested	2
Forfeited recognizance	1
Total,	8

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	3
Incest	2
Larceny	1
Seduction	1
Wilful trespass on lands	2
Total,	9

HOW DISPOSED OF.

Convicted and fined	3
Settled	2
Held to bail to answer	2
Not arrested	2
Total,	9

ST. CLAIR COUNTY.

TRUE P. TUCKER, ESQ., *Prosecuting Attorney.*

Indictments found during the year 6

CRIMES.

Adultery	1
Assault with intent to kill	1
Burglary	1

Larceny	1	
Perjury	1	
Resisting an officer	1	
Total	—	6

HOW DISPOSED OF.

Acquitted	1	
Under recognizance	3	
Forfeited "	1	
Not arrested	1	
Total	—	6

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Adultery	1	
Assault and Battery	6	
Assault with intent to kill	1	
Burglary and larceny	1	
Larceny	2	
Total,	—	11

HOW DISPOSED OF.

Convicted and fined or imprisoned	6	
Committed	2	
Held to bail to next term of County Court	3	
Total,		11

—

ST. JOSEPH COUNTY.

E. B. TURNER, ESQ., *Prosecuting Attorney.*

Indictments found during the year 11

CRIMES.

Assault and Battery	2	
" " with loaded fire arms	2	
Nuisance	2	
Obtaining property under false pretences	1	
Perjury	2	
Riot	1	
Resisting officer	1	
Total,	—	11

HOW DISPOSED OF.

Convicted	1
Still pending	7
Nolle prosequi	1
Escaped	1
Not arrested	1
Total,	11

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Assault and Battery	4
Larceny	4
Passing counterfeit bills	2
Petit larceny	1
Perjury	2
Seduction and debauchery	1
Wilful and malicious destruction of mill dam	1
Total,	15

HOW DISPOSED OF.

Convicted and fined	5
Held to bail	3
Discharged	5
Settled	1
Escaped	1
Total,	15

WASHTENAW COUNTY.

JAS. M. WALKER, ESQ., *Prosecuting Attorney.*

Indictments found during the year 18

CRIMES.

Assault with intent to rape	1
Burglary and larceny	2
Burglary	1
Embezzlement	2
Forgery	2
Having in possession with intent to pass counterfeit money	2
Larceny	2
Perjury	2

Passing counterfeit money	3
Rape	1
Total,	18

HOW DISPOSED OF.

Convicted	6
Still pending	9
Nolle prosequi	1
Not arrested	2
Total,	18

EXAMINATIONS, PROSECUTIONS, &C., HAD BEFORE JUSTICES OF THE PEACE.

Aiding prisoner to escape	1
Assault and Battery	29
" with intent to rape	3
Injuring dwelling house	1
Larceny	8
Obtaining goods under false pretences	2
Passing counterfeit money	6
Surety of the peace	8
Total,	58

HOW DISPOSED OF.

Convicted and fined or imprisoned	30
Acquitted	4
Nolle prosequi	2
Settled	14
Not arrested	8
Total,	58

RECAPITULATION.

Total number of indictments found during the year in the counties embraced in this report 250

CRIMES.

Adultery	3
Accessory before the fact to larceny	1
Arson	4
Assault and Battery	8
Assault with loaded fire arms	2
Assault with intent to kill	5
Assault with intent to murder	2
Assault with intent to rob	1
Assault with intent to commit a rape	4
Burglary	6
Burglary and larceny	6
Breaking jail	2
Buying property knowing it to have been stolen	1
Counterfeiting	5
Disposing of property with intent to defraud creditors	1
Enticing female	1
Embezzlement	3
Obtaining property under false pretences	8
Forgery	2
Forcible entry	9
Fraud	1
Having counterfeit money in possession	4
Having tools for making counterfeit money	1
Keeping gaming house	1
Incest	1
Larceny	42
Manslaughter	1
Malicious mischief	2
Malicious trespass	1
Malicious injury to dwelling	6
Misdemeanor	1
Murder	3
Nuisance	2

Passing counterfeit money	6
Perjury	15
Rape	3
Resisting officer	8
Rescuing prisoner	6
Riot	42
Riotous assault	14
Selling liquor without license	11
Tearing down fences	1
Trespass on lands	1
Trespass on State lands	1
Violating sec. 45, chap. 154, R. S.	1
Wilful setting fire to wood	2
Total	250

HOW DISPOSED OF.

Convicted and imprisoned or fined	57
Still pending	126
Acquitted	9
Under recognizance	3
Nolle prosequi	15
Indictment quashed	2
Forfeited recognizance	8
Dead	1
Escaped	2
Not found	1
Not arrested	26
Total	250

Of those convicted and imprisoned, twenty-eight were sent to the State Prison, viz:

	6 yrs.	5 yrs.	4 yrs.	3 yrs.	2½ yrs.	2 yrs.	1½ yrs.	1 yr.	6 mo.	3 mo.	T'l
By Branch county		2		1			2				5
" Calhoun "		1									1
" Clinton "										1	1
" Jackson "	1	1				1	1	3			7
" Kent "								1			1
" Lenawee "				2							2
" Monroe "			2	3	1						6
" Sanilac "									1		1
" Washtenaw "				1				3			4

Of the three indicted for murder,
1 was found guilty of manslaughter,—Livingston.
1 was acquitted,—Monroe.
1, the culprit was not found,—Lenawee.